

U.S. Office of Personnel Management (OPM)

Diversity & Disability
in the Federal Workplace

Workshop Goals

- Understand stereotyping and how it affects people with disabilities
- Learn about disability history and legislation
- Address questions related to hiring, supervising, and working with people who have disabilities
- Discuss key terms and requirements of the law
- Learn how your agency contact can assist you

Brainstorming Activity

- Teenagers
- People with Mental Illness
- Elderly

Key Legislation

- Telecommunications Act of 1934, amended
- Architectural Barriers Act of 1968
- Rehabilitation Act of 1973 as amended
- Fair Housing Amendments Act of 1988, amended
- Americans with Disabilities Act of 1990

Americans with Disabilities Act

- Title I: Employment
- Title II: Public Services
- Title III: Public Accommodations
- Title IV: Telecommunications
- Title V: Miscellaneous

The Rehabilitation Act of 1973

- Section 501 mandates non-discrimination by the Federal government in its own hiring practices and requires affirmative action in the hiring, placement, and advancement of people with disabilities.

The Rehabilitation Act

- Section 502 established the U.S. Access Board.
- Section 503 requires affirmative action and prohibits employment discrimination by Federal government contractors and sub-contractors with contracts of more than \$10,000.

The Rehabilitation Act

- Section 504 states that no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that either receives Federal financial assistance or is conducted by any Federal agency.

The Rehabilitation Act

- Section 508 requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.

Definition of Disability

An individual with a disability is one who

- has
- has a record of, or
- is regarded as having
a physical or mental impairment that substantially limits a major life activity.

Major Life Activities

- Caring for Oneself
- Performing Manual Tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Sitting
- Standing
- Lifting
- Reading
- Interacting with others
- Working

Substantial Limitation

“Substantial limitation” is evaluated in terms of the severity of the limitation and the length of time it restricts a major life activity.

Qualified Individual with a Disability

A qualified individual with a disability means one who satisfied the requisite skill, experience, education, and other job-related requirements of the position the individual holds or desires and who, with or without reasonable accommodation, can perform the essential functions of the position.

What Makes a Job Task Essential?

- If the position exists to perform the function
- If there are a limited number of employees among whom the job can be distributed
- If the function is highly specialized

Definition of Reasonable Accommodation

- Modification of the job application process
- Modification to the work environment or the manner under which the position held is customarily performed
- Modification that enables an employee with a disability to enjoy equal benefits and privileges of employment

What Does Reasonable Accommodation Include?

- Making existing facilities used by employees readily accessible and usable by individuals with disabilities
- Job restructuring
- Part-time or modified work schedules
- Adjustments or modifications of tests, training materials, or policies
- Providing qualified readers or interpreters
- Reassignment to vacant positions

Determining Reasonable Accommodations

- Review the particular job and determine its purpose and essential functions.
- Consult with the individual with a disability to determine the specific skills and limitations.
- Identify potential accommodations in consultation with the individual.
- Consider the preference of the individual and select the method that best serves both the individual and the business.

Costs of Reasonable Accommodations

Average Costs of Job Accommodations*

31% of all accommodations suggested- no cost

19% cost between \$1 and \$50

19% cost between \$50 and \$500

19% cost between \$500 and \$1,000

11% cost between \$1,000 and \$5,000

<1% cost more than \$5,000

*Source: Job Accommodation Network Survey

Undue Hardship

An action requiring significant difficulty or expense for the employer

- unduly extensive or substantial
- is disruptive
- would fundamentally alter the nature or operation of the business

Disability Related Inquiries

Stages of Employment

- Pre-offer
- Post-offer
- On the job

Disability Related Inquiries

Interviewer may ask about:

- An applicant's ability to perform job-related duties
- An applicant's previous job experience
- Skills required to perform the job
- Educational background

Disability Related Inquiries

Interviewer may not ask about:

- The nature or extent of the applicant's disability
- If the applicant or anyone in his/her family has a disability
- The applicant's health
- If the applicant has a history of emotional illness

Disability Related Inquiries

Interviewer may not ask about

- If the applicant ever had an injury or disease
- If the applicant has ever seen a psychiatrist
- If the applicant has ever had a drug or drinking problem

Disclosure

Under the Rehabilitation Act, the Federal agency must provide reasonable accommodations to the known physical or mental limitations of a qualified applicant or employee with a disability.

Disclosure

Reasonable Documentation

- Documentation from an appropriate professional concerning the individual's disability and functional limitations in order to verify the existence of a disability and the need for an accommodation.

Disclosure

Confidentiality

- Agencies must keep all information concerning the medical condition or history of its applicants and employees confidential. This includes medical information that an individual voluntarily tells his/her employer.

Rehabilitation Act Enforcement

Contact your agency's Equal Employment Opportunity Office for internal complaint processing procedures.

The Equal Employment Opportunity Commission (EEOC) enforces Section 501 of the Rehabilitation Act.

Useful Websites

- <http://www.opm.gov/employ/disabilities/plan.txt>
- <http://janweb.icdi.wvu.edu/links>
- <http://www.jan.wvu.edu/soar/index.html>
- <http://www.eeoc.gov/docs/accommodation.html>
- <http://www.section508.gov>
- <http://www.eeoc.gov/docs/field-ada.html>
- <http://www.eeoc.gov/docs/preemp.html>